S.B.Cr.Misc. Bail App. No.5125/2007

(Rajendra Singh Vs. State of Rajasthan)

Date of order : December 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.M.K.Garg, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.
Mr.D.K.Gaur, for the first informant.

Heard learned counsel for the petitioner, Public Prosecutor for the State and the counsel appearing for the first informant. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that similarly situated co-accused Smt. Dharmo Bai, Chand Singh alias Harchand Singh and Gyan Singh have been released on bail by the trial court. Learned counsel has shown me the order of the trial court, whereby the co-accused named above have been released on bail. It is further contended by the learned counsel for the petitioner that mother of the deceased Smt. Santo Bai in her statement has stated that on 12.8.2007 at about 2.00 P.M., she received a telephone from her daughter deceased Manjit Kaur that her husband, who is petitioner herein is having abdomen pain and sleeping in a room, however, her mother-in-law Dharmo Bai and father-in-law Gyan Singh have been

quarreling with her and thereafter, it is stated that on 13.8.2007 i.e. next day, the deceased committed suicide. According to the learned counsel for the petitioner, the mother of the deceased categorically stated that she received a telephone from her daughter that husband of the deceased was suffering from abdomen pain and sleeping in a room and the deceased is being harassed by her father-in-law and mother-in-law on which Santo Bai, mother of the deceased stated that since her son-in-law is not stating anything to her, then she go to the room and take meal. Learned counsel submits that the father of the deceased implicated the present petitioner as also the mother-in-law, father-in-law and brother-in-law (Jeth) Chand Singh. He stated that on 12.8.2007 at about 2.00 – 2.30 P.M., he received an information on telephone from his daughter that her daughter's father-in-law, mother-in-law, husband and brother-in-law (Jeth) assaulted her.

On careful perusal of the statement of the witnesses, the allegations are almost similar to that of co-accused, who have been granted bail and to some extent, the allegations against mother-in-law and father-in-law as per the statement of mother of the deceased are grave than the allegation against the present petitioner. As per the statement of the mother of deceased, there is no allegation against the present petitioner.

Be that as it may, without commenting on the merit of the case having regard to the facts and circumstances of the case and the fact that similarly situated co-accused have been granted bail, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Rajendra Singh s/o Gyan Singh be released on bail in FIR No.144/2007, P.S. Rajiasar, Distt. Sri Ganganagar provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-